

ORDINANCE NO. 2009 - 027

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR 112TH/NORTHLAKE COMMERCIAL SW (LGA 2008-024), PRIVATELY INITIATED AMENDMENT, MODIFYING PAGE 29 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 9.83 ACRES OF LAND, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF NORTHLAKE BOULEVARD AND 112TH TERRACE NORTH, FROM RURAL RESIDENTIAL, 1 UNIT PER 5 ACRES (RR-5), TO COMMERCIAL LOW, WITH AN UNDERLYING RURAL RESIDENTIAL, 1 UNIT PER 5 ACRES (CL/RR-5) SUBJECT TO CONDITIONS; AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearings on February 6, February 20, and March 13, 2009 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 13, 2009 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments

Report," dated June 30, 2009 which was the Department's written review of the proposed Comprehensive Plan amendments; and

**WHEREAS**, the written comments submitted by the Department of Community Affairs contained an objection to the amendment contained in this ordinance; and

**WHEREAS**, on August 25, 2009 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

**WHEREAS**, the Palm Beach County Board of County Commissioners has determined that the amendment satisfies the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**Part I. Amendments to the Future Land Use Atlas of the Future Land Use Element of the 1989 Comprehensive Plan**

The following amendment to the Future Land Use Atlas is hereby adopted and attached to this Ordinance as Exhibit 1:

**A. Future Land Use Atlas page 29 is amended as follows:**

**Application:** 112th/Northlake Commercial SW (LGA 2008-024)

**Amendment:** From Rural Residential, 1 unit per 5 acres (RR-5), to Commercial Low, with an underlying Rural Residential, 1 unit per 5 acres (CL/RR-5);

**Location:** Southwest corner of Northlake Boulevard and 112th Terrace North;

**Size:** Approx. 9.83 acres;

**Condition:** The site is subject to the following conditions:

1. Development of the site under the CL designation shall be limited to a maximum of 37,274 square feet of commercial retail development or the traffic equivalent uses.

**Part II. Repeal of Laws in Conflict**

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

**Part III. Severability**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Part IV. Inclusion in the 1989 Comprehensive Plan**

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**Part V. Effective Date**

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

**APPROVED AND ADOPTED** by the Board of County Commissioners of  
Palm Beach County, on the 25th day of August, 2009.

ATTEST:  
SHARON R. BOCK, CLERK PALM BEACH COUNTY, FLORIDA,  
ITS BOARD OF COUNTY COMMISSIONERS

By Tracey Bock John F. Koons  
Deputy Clerk John F. Koons, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

John F. Koons  
COUNTY ATTORNEY

Filed with the Department of State on the 2nd day of  
September, 2009.

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## EXHIBIT 1

Future Land Use Atlas Page 29 is amended as follows:

**Amendment No.:** 112th/Northlake Commercial SW (LGA 2008-024)

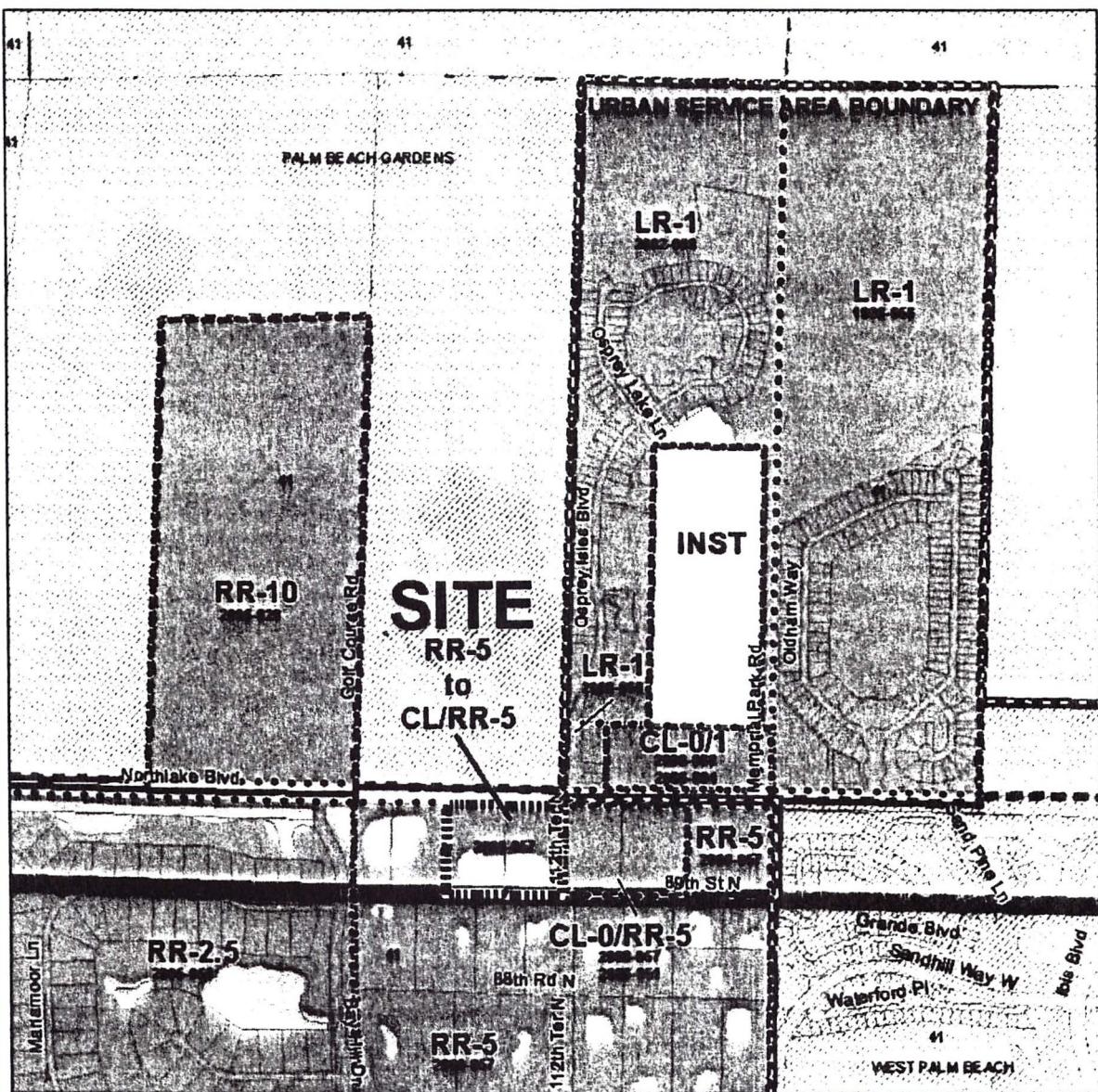
**Amendment:** Rural Residential, one unit per five acres (RR-5) to Commercial Low, with an underlying RR-5 (CL/RR-5)

**Location:** Southwest corner of Northlake Blvd. and 112th Terrace

**Size:** 9.83± acres

**Property No.:** 00-41-42-14-00-000-5080

**Conditions:** Development of the site under the CL designation shall be limited to a maximum of 37,274 square feet of commercial retail development or the traffic equivalent uses.



**Legal Description**

THE EAST 741.00 FEET OF THAT PORTION OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 WEST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF THE RIGHT-OF-WAY FOR WEST LAKE PARK ROAD (N/K/A NORTHLAKE BOULEVARD), LESS ADDITIONAL RIGHT-OF-WAY FOR NORTHLAKE BOULEVARD, AS DESCRIBED IN THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 12173, PAGE 5, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY.

